

CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 108A Rev.

TITLE OF CASE		ATTORNEYS			
<p>UNITED STATES OF AMERICA, Plaintiff, vs. CONTINENTAL OIL COMPANY, -HONDO-OIL-AND-GAS-COMPANY,- Defendant.</p>		<p>For plaintiff: John N. Mitchell Hon. Nicholas-deB.-Katzenbach Attorney General Hon. Lee Loevinger Ass't Attorney General Baddia J. Hashid, Bernard O'Reilly Department of Justice Washington 25, D. C.</p> <p>George B. Haddock, James Legnard, Lawrence W. Somerville Attorneys, Dept. of Justice Antitrust Division 1602 U. S. Post Office and Courthouse Los Angeles 12, Calif.</p> <p>Hon. John Quinn U. S. Attorney</p> <p>For defendant: Lloyd F. Thanhouser, Esquire A. T. Biggers, Esquire P. O. Box 2197 Houston 1, Texas 77027</p> <p>A. T. Seymour, Esquire(Allen C.Dewey) Modrall, Seymour, Sperling, Roehl & Harris, Esquires P. O. Box 466 2765 Albuquerque, New Mexico 87103</p> <p>For Continental Oil Company James F. Jennings, Esq. P. O. Box 1180, Roswell, New Mexico Elmer B. Katzell, Esq. 1201 Shoreham Building Washington 5, D. C.</p>			
<p>NATURE: Violation of Clayton Antitrust Act</p>		<p>For Hondo Oil & Gas Co. David W. Marks, Esq. Vinson, Elkins, Woods & Searles, Esqs. First City National Bank Bldg. Houston, 2 Texas 77002 (for Continental Oil Co.)</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR	REQ.	DISB.
J.S. 5 mailed	Clerk				
J.S. 6 mailed	Marshal				
Basis of Action:	Docket fee	1/26/63	Notice of Appeal	Filed by	
	Witness fees	1968	USA		
	Depositions	4-3	Modrall Firm	5 00	
Action arose at:	Costs taxed	4-10	Appeal FF U.S.Treas.		5 00
12/5/68	\$6,582.82				

4763

DATE	PROCEEDINGS	Date Order or Judgment Noted
1961		
May 16	Filing Complaint. JS 5	
May 16	Original Summons and one service copy, with copy of complaint attached, issued and delivered to the Marshal for service.	
May 19	Filing Summons with Marshal's return. Person serving The Continental Oil Company served through its Statutory Agent, at Santa Fe, N.M., on May 17, 1961. (\$14.50)	
May 29	Filing Entry of Appearance of attorneys for defendant.	
May 29	Filing and entering ORDER that defendant may have until July 5th to plead. (Rogers)	
May 29	Notice of entry given, Rule 77 (d).	
June 26	Filing Stipulation between parties that the defendant Continental Oil Company shall have extension of time in which to answer or otherwise plead until and including the sixth day of August, 1961.	
June 26	Filing and Entering Order granting the above Stipulation. (Rogers) Notice of Entry of this Order given pursuant to Rule 77(d) FRCP.	
Aug. 7	Filing Answer (contains no counterclaim) (Continental Oil Company)	
Aug. 7	Filing Motion of defendant to Add Hondo Oil and Gas Company as a Party Defendant.	
Sept. 11	Filing Memorandum in Opposition to Defendant's Motion to Add Hondo Oil and Gas Company as a Party Defendant and Entry of Appearance of attorneys for Hondo Oil and Gas Company.	
Sept. 11	At Albuquerque, Judge Rogers presiding in open court, Margaret Wilkins, reporter. The case is called for hearing on Defendant's motion to add Hondo Oil and Gas Company as a party defendant. The parties appear by Mr. McArthur, Mr. Somerville and Mr. Quinn for plaintiff and Mr. Dewey for the defendant. After argument by the parties and by the proposed additional party, the motion is GRANTED. Elmer E. Batzell of the Washington D. C. bar is specially admitted for this case upon motion by Mr. Jennings, appearing for Hondo Oil and Gas Company	
Sept 18	Filing and entering Order that Hondo Oil and Gas Company be made a party defendant and that plaintiff amend its Complaint accordingly and serve a copy thereof on said defendant within 30 days hereof (Rogers).	
Sept 18	Notice of entry of above order given by mailing a copy to counsel.	
Oct. 23	Filing Amended Complaint.	
Oct. 23	Original Summons on Amended Complaint to Hondo Oil and Gas Company with one service copy with copy of Amended Complaint issued and delivered to the Marshal for service upon said Company.	

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D. C. 110A Rev. Civil Docket Continuation 4763 con't

DATE 1961	PROCEEDINGS	Date Order or Judgment Noted
Oct. 26	Filing Answer of defendant Continental Oil Company, to the Amended Complaint (Dated October 18, 1961)	
Nov. 30	Filing Appearance of Hondo Oil & Gas Company by its attorneys James T. Jennings, Esquire and Meyers & Batzell, Esquires.	
Dec. 1	Filing original Summons with Marshal's return showing served October 27, 1961. (Fees \$42.20)	
1962		
Jan. 12	Filing plaintiff's Notice of Taking of Deposition of Robert O. Anderson in Roswell on the 15th day of February, 1962.	
Jan. 12	Filing plaintiff's Notice of Taking of Deposition of Joe W. Lackey in Roswell on the 15th day of February, 1962.	
Jan. 15	Filing Interrogatories Propounded by Plaintiff to Defendant Continental Oil Company.	
Jan. 15	Filing Answers of Continental Oil Company to interrogatories submitted by Plaintiff on November 3, 1961.	
March 8	Filing envelope endorsed as containing the deposition of Joe W. Lackey. (cost \$221.60)	
March 8	Filing envelope endorsed as containing the deposition of Robert O. Anderson. (cost \$29.10)	
March 8	Filing package endorsed as containing the exhibits to depositions of Robert O. Anderson and Joe W. Lackey.	
April 6	Filing Notice of Taking of Deposition of J. W. Liddell, upon oral examination, in the offices of Continental Oil Company, Continental Oil Building, 1755 Glen Arm Place Denver, Colorado on 5/2/62 at 9:00 a.m.	
April 6	Filing Notice of Taking of Deposition of M. T. Swanson, upon oral examination at the offices of Continental Oil Company, 1755 Glen Arm Place, Denver, Colorado on 5/2/62 at 9:00 a.m.	
April 6	Filing Notice of Taking of Deposition of Wilson Frost, upon oral examination in the offices of Continental Oil Company, 1755 Glen Arm Place, Denver, Colorado on 5/2/62 at 9:00 a. m.	
Jun 21	Filing envelope endorsed as containing the depositions of Gordon Love Joy, George Sullivan and Clarence Copple.	
Jun 29	Filing Interrogatories (Second Set) Propounded By Plaintiff to Defendant Continental Oil Company.	
Jun 29	One certified copy of above Interrogatories issued and delivered to U. S. Attorney.	

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4763 con't

DATE 1962	PROCEEDINGS	Date Order or Judgment Noted
July 2	Filing Amended Answers of Continental Oil Company to Certain of Plaintiff's Interrogatories (First Set) Filed herein on Jan. 15, 1962.	
July 2	Filing Answers of Continental Oil Company to Interrogatories (Second Set), dated April 26, 1962, propounded by plaintiff.	
Aug. 13	Filing Second Amended Answer of Continental Oil Company to Plaintiff's Interrogatory No. 2 (First Set).	
Aug. 14	Filing package containing the deposition of J. W. Liddell. (Filed in drawer where we keep files from Santa Fe)	
Aug. 15	Filing package endorsed as containing the deposition of M. T. Swanson.	
Aug. 15	Filing package endorsed as containing the deposition of William Frost.	
Dec. 13	Filing Amended Answer of Continental Oil Company To Plaintiff's Interrogatory No. 3 (e) (First Set).	
1963 Jan. 8	By direction of Judge Rogers this case is set for Pre-Trial Conference at Albuquerque, N.M., on Monday, Feb. 4, 1963 at 9:30 a.m. Counsel notified by letter.	
Jan. 23	Pre-Trial Conference setting for February 4, 1963 VACATED by Judge Rogers - notification mailed to all counsel of record.	
Apr. 11	Set for trial without jury at Albuquerque, N.M., on Wednesday, May 1, 1963. Counsel notified by letter.	
Apr. 16	At Albuquerque Judge Rogers in chambers VACATED trial setting for May 1, 1963 and set the case for PRE-TRIAL CONFERENCE on that date at 9:30 a.m. at Albuquerque and set the case for TRIAL ON THE MERITS at Albuquerque on Monday, June 10, 1963 at 9:30 a.m. - notice mailed to all counsel of record.	
Apr. 29	By direction of Judge Rogers the Pre-Trial setting for Wednesday May 1, 1963 is VACATED without a resetting - counsel notified.	
May 28	By direction of the Court Trial without jury for June 10, 1963 is VACATED - PRE-TRIAL CONFERENCE will be held instead at the same time and date. Counsel notified by letter.	
June 7	Pre-trial conference for June 10th, 1963, VACATED. - U. S. Attorney, Albuquerque, N.M., and James J. King, Esq., of counsel so notified by telephone.	
June 21	By direction of Judge Rogers this case is set for PRE TRIAL conference at Albuquerque, N.M., on July 10 & 11th, 1963 at 9:30 a.m. Counsel Notified by letter.	

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4763 CIVIL ACTION

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1963 July 10	At Albuquerque, Judge Rogers presiding in open court, Margaret Wilkins, reporter. The case is called for pre-trial conference, and the parties appear by Mr. Quinn, Mr. Somerville and O'Reilly for the government, by Mr. Thanhouser, Mr. Seymour and Mr. Searles for Continental Oil Co., and by Mr. Jennings for Hondo Oil and Gas Co. Mr. Somerville and Mr. O'Reilly and Mr. Thanhouser and Mr. Searles are introduced to the Court and admitted for the purpose of this case. At 3:45 p.m., the conference not being finished, a recess is taken until 9:30 a.m. tomorrow.	
July 10	Filing Stipulation narrowing issues - endorsed approved by the Court.	
July 10	Filing First Stipulation as to Certain Documents - endorsed approved by the Court.	
July 10	Filing Stipulation of Deposition Corrections - endorsed approved by the Court.	
July 10	Filing First Stipulation of Facts - endorsed approved by the Court.	
July 10	Filing Second Stipulation of Facts - endorsed approved by the Court.	
July 10	Filing Third Stipulation of Facts - endorsed approved by the Court.	
July 10	Filing Stipulation of Hondo Oil and Gas Co. as to First Stipulation of Facts - approved by the Court.	
July 10	Filing Stipulation of Hondo Oil and Gas Co. as to Second Stipulation of Facts - approved by the Court.	
July 10	Filing Stipulation of Hondo Oil and Gas Co. as to Third Stipulation of Facts - approved by the Court.	
July 11	At Albuquerque Judge Rogers presiding in open court Margaret M. Wilkins reporter. The parties reappear at 9:30 o'clock a.m. pursuant to recess of yesterday by their respective counsel as heretofore shown and the Pre-Trial Conference is resumed. The Court requested that Mr. Searles, of counsel for the defendant Continental Oil Company, prepare and submit a proposed Pre-Trial Order furnishing opposing counsel a copy thereof. It was agreed that counsel for the plaintiff and counsel for the defendant will file lists of their respective witnesses and of their documentary evidence. Counsel for the defendant Continental Oil Company and counsel for the Government having indicated that they desire to file motions for summary judgment the Court directed that such motions shall be filed on or before August 1, 1963 and that the party or parties filing the Motion for Summary Judgment shall file brief in support thereof on or before the 9th of August, 1963 and that the opposing party may file answering brief on or before August 23, 1963 and that any such Motion or Motions filed will be heard at Albuquerque on Wednesday, September 4, 1963 at 9:30 a.m. The Court announced that in the event neither Motion for Summary Judgment is granted trial of this case on the merits will be held	

CIVIL ACTION 4763 (continued)

DATE 1963	PROCEEDINGS	Date Order or Judgment Noted
July 11 (contd)	at Albuquerque on Monday, October 21, 1963 and that he will allow until November 1, 1963 to complete such trial. Further proceedings at the conference were had as will appear by the reporter's record.	
July 17	Filing and Entering Order on Pre-Trial Hearing. (Rogers)	
July 18	Notice of Entry of the above Order given pursuant to Rule 77 (d)	
July 18	Filing Defendant's Pre-Trial Exhibit A	
July 25	Filing Clerk's copy of Partial Transcript of Proceedings had on July 10, 1963 before Honorable Waldo H. Rogers.	
July 25	Filing Clerk's copy of Transcript of Pre-Trial Conference had on July 10 and 11, 1963.	
July 29	Filing defendant, Continental Oil Company's Motion for Summary Judgment.	
July 29	Filing Second Stipulation as to Certain Documents, endorsed IT IS SO ORDERED-THIS 29th day of July 1963, s/ WALDO H. ROGERS, UNITED STATES DISTRICT COURT. Notice of Entry of this Stipulation given pursuant to Rule 77(d) FRCP	
July 29	Filing Fourth Stipulation of Facts, endorsed -IT IS SO ORDERED, THIS 29th day of July 1963. s/ WALDO H. ROGERS, JUDGE UNITED STATES DISTRICT COURT. Notice of Entry of this Stipulation given pursuant to Rule 77(d) FRCP.	
Aug. 26	Hearing on Motions for Summary Judgment scheduled for hearing on Sept. 4, 1963 before Judge Rogers is VACATED.	
Aug 28	Filing Reply Brief of Plaintiff in Opposition to Motion For Summary Judgment.	
Sept. 3	Filing Index to above Reply Brief of Plaintiff in opposition to motion of Continental Oil Company for Summary Judgment.	
Sept 25	Filing copy of Judge Rogers' letter to counsel advising of his ruling on defendants' Motion For Summary Judgment (granted).	
Sept. 27	Filing and entering Order and Judgment that the defendant Continental Oil Company is GRANTED Summary Judgment; ORDERED that plaintiff have nothing by this action; that the Amended Complaint be dismissed as to both defendants and that defendants, Continental Oil Company and Hondo Oil and Gas Company, go hence without day. (Rogers)	
Sept. 27	Notice of entry of above Order and Judgment given, Rule 77(d).	
FINAL DOCKET J. S. 6		
Nov. 26	Filing Notice Of Appeal To the Supreme Court of the United States by plaintiff from that part of the judgment entered on 9/27/63 granting defendant Continental Oil Company's Motion for Summary Judgment but does not appeal from the judgment insofar as it dismisses the complaint against Hondo Oil and Gas Company (which	

D. C. 110A Rev. Civil Docket Continuation

4763

DATE 1963	PROCEEDINGS	Date Order or Judgment Noted
Nov. 26 (contd)	includes Contents of Record on Appeal and question presented by this appeal).	
Nov. 26	Notification of the filing of Notice of Appeal to the Supreme Court of the United States given by mailing copy thereof to Lloyd F. Thanhouse, Esquire, A.T. Biggers, Esquire, P. O. Box 2197, Houston 1, Texas; A. T. Seymour, Esquire, P. O. Box 466, Albuquerque, New Mexico; James T. Jennings, Esquire, P. O. Box 1180, Roswell, New Mexico; Elmer E. Batzell, Esquire 1201 Shoreham Building, Washington 5, D. C.; and Vinson, Elkins, Weems & Searles, Esquires, First City National Bank Building, Houston 2, Texas.	
Nov. 26	Filing plaintiff's Certificate Of Service.	
Dec. 16	Filing Cross-Designation of Portions of Record on Appeal to Supreme Court of the United States, by Continental Oil Company.	
1964 Jan. 17	Record on Appeal mailed to Supreme Court of the United States, Washington, 25, D. C.	
Jan. 21	Filing Appellant's Motion for Extension of Time for Docketing Case on Appeal Through the Supreme Court of the United States.	
Jan. 21	Filing and entering Order granting above motion and extending time until February 14, 1964. (Payne)	
Jan. 21	Certified copy of above motion and order issued and mailed to Clerk, Supreme Court of the United States, Washington 25, D. C.	
Jan. 21	Notice of entry of above order given, Rule 77(d).	
May 6	Filing copy of Opinion of the Supreme Court of the United States that the judgment is vacated and the case remanded to the United States District Court for the District of New Mexico for a trial on the merits of the case	
June 4	Filing certified copy of Judgment and Mandate of the Supreme Court of the United States.	
June 18	By direction of Judge Payne this case is set for pre-trial conference at Albuquerque, N.M., on Monday, August 17 at 9:00 a.m., and to continue through August 18th as necessary. Counsel notified by letter.	
July 31	Filing plaintiff's First Request for Admission of Truth of Statements.	
Aug 12	Filing plaintiff's Preliminary Memorandum of Law on Recent Supreme Court Decisions.	
Aug. 17	At Albuquerque, Judge Payne presiding. Juanita Godding, Reporter. A pre-trial conference is held pursuant to setting heretofore made.	
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CIVIL ACTION 4763 (continued)

DATE 1964	PROCEEDINGS	Date Order or Judgment Noted
Aug. 17	Filing Stipulation between parties that the defendant Continental Oil Company shall be granted an extension of time to respond to this action to "Plaintiff's First Request for Admission of Truth of Statements" until and including the 27th of August 1964. ORDER by Judge Payne.	
Aug 17	Filing Stipulation correcting and amending first Stipulation of Facts. Approved by Judge Payne.	
Aug 17	Notice of entry of above Order given pursuant to Rule 77(d).	
Aug. 21	Filing and Entering Order that defendant Continental Oil Company extending time to respond to plaintiff's First request for Admission of Truth of Statements is extended up to and including September 15, 1964 (Payne)	
Aug. 21	Notice of Entry of the above Order given pursuant to rule 77 (d)	
-Aug. 24	Filing by court reporter Juanita Godding Transcript of Pre-Trial Conference held August 17, 1964.	
Sept. 15	Filing Response to defendant Continental Oil Company to Plaintiff's First Request for Admission of Truth of Statements.	
Sept. 15	Filing Reply of Continental Oil Company to Memorandum filed by Hondo Oil and Gas Company. with Certificate of Service attached	
Sept 15	Filing Stipulation as to extension of time to include Sept. 28, 1964 to file briefs or memoranda relating to the issues of fact or law raised by the respective contentions of the parties. with Order thereon(Payne) Notice of Entry of this Order given pursuant to Rule 77(d) FRCP.	
Sept.15	Filing Plaintiff's Memorandum Re Status of Hondo Oil and Gas Company as Party Defendant.	
Sept. 29	Filing and entering Stipulation for an extension of time in which to file Memorandum Brief to extend time from Sept. 28, 1964 to and including October 1, 1964. Approved by Judge (Payne) Notice of entry of this Stipulation given pursuant to Rule 77(d) FRCP.	
Oct. 2	Filing Certificate of Service of Pre-Trial Memorandum of Defendant Continental Oil Company.	
-Oct. 2	Filing Pre Trial Memorandum of Defendant Continental Oil Company, with Exhibit.	
Oct. 13	Filing copy of Response of Hondo Oil and Gas Company to Continental's Opposition to Hondo's Statement of Position	
Oct. 16	Filing Supplemental Pre-Trial Memorandum of Defendant Continental Oil Company	
Oct. 16	Filing Certificate of Service of above Supplemental Pre-Trial Memorandum upon attorney for plaintiff and attorneys for defendant Hondo Oil and Gas Company by defendant Continental Oil Company	

4763 CIVIL

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1964		
Oct. 29	Filing Receipt for Papers - signed by A. T. Seymour, attorney for Continental Oil Company.	
Oct. 30	Filing Stipulation by and between attorneys for Department of Justice, Continental Oil Company and Hondo Oil and Gas Company that documents marked for identification as a part of pre-trial proceedings in this cause may be retained and stored prior to trial, until require by the Court, in the Simms Building in Albuquerque, New Mexico, in the storage vault of Modrall, Seymour, Sperling, Roehl & Harris.	
1965		
Jan. 4	This case will come on for further PRE-TRIAL CONFERENCE on Friday, January 15, 1965 at 1:30 P. M. before Judge Payne.	
Jan 15	At Albuquerque Judge Payne presiding in open court at 1:30 p.m. Juanita Godding reporter. This case being called for a further pre-trial conference. The government is represented by Lawrence W. Somerville, Esquire, Anti-Trust Division, Department of Justice, Los Angeles, California and by Stanley Disney, Esquire, of the Anti-Trust Division, Department of Justice, Los Angeles. The defendant Continental Oil Company appears by its attorneys A. T. Seymour, Esquire, of Albuquerque, and Mr. Searles, Esquire of the Houston, Texas bar and by Lloyd F. Thanhouser, Esquire, of the Houston, Texas Bar; and the defendant Hondo Oil and Gas Company is represented by James T. Jennings, Esquire and Elmer E. Batzell, Esquire. Proceedings were had as will appear by the Court Reporter's record.	
Jan. 15	Filing THIRD STIPULATION as to Certain Documents, approved by Judge Payne.	
Jan. 29	Filing Transcript of Pre-Trial Conference held 1/15/65.	
Feb. 4	Judge Payne by letter of this date to counsel notified them of his decision that the Court does not have jurisdiction to hold Hondo as a defendant in this case	
Feb. 26	Filing defendant's Notice of Hearing on Motions before Judge Payne, on March 8, 1965 at 9:00 a.m.	
Feb. 26	Filing Motion of Continental Oil Company to add Hondo Oil and Gas Company as a party defendant; in the alternative, Motion of Continental Oil Company for leave to file a Third-Party Complaint against Hondo Oil and Gas Company, or in the alternative, Motion of Continental Oil Company to Dismiss for failure to join a necessary, if not indispensable, party. Motion of Continental Oil Company to add Hondo Oil and	
Mar. 5	Filing Plaintiff's Memorandum in Opposition to Continental's Motions Re Hondo Oil and Gas Company.	
Mar 9	Set for non-jury trial before Judge Payne, Tues., July 6, 1965, at 9:00 a.m. at Albuquerque.	

OVER

4763 CIVIL

DATE 1965	PROCEEDINGS	Date Order or Judgment Noted
Mar. 8	At Albuquerque Judge Paynd presiding in open court Juanita Godding reporter. This cause is called for hearing on Motion of Continental Oil Company to add Hondo Oil and Gas Company as a party defendant, or, in the alternative, for leave to file a Third Party Complaint against Hondo Oil and Gas Company, or, in the alternative, to dismiss this action for failure to join a necessary if not an indispensable party. The plaintiff is represented by Lawrence W. Somerville, Esquire, Attorney Anti-Trust Division, Department of Justice, Los Angeles, California; the defendant Continental Oil Company is represented by David Searles, Esquire, of the Houston bar and by Allen Dewey, Esquire, of this city. Hondo Oil and Gas Company appears specially in connection with the Motion being represented by James T. Jennings, Esquire of Roswell and by Elmer E. Batzel, Esquire, of Washington, D. C. After hearing the arguments of counsel the Court reserved ruling upon the Motion and the alternative motions and took same under advisement. Upon inquiry of counsel the Court announced that this case is tentatively set for trial at Albuquerque on Tuesday, July 6, 1965 at 9:00 a.m. but that as soon as the Court determines definitely notice will be given.	
- Mar. 12	Filing of clerk's copy of transcript of Oral Argument before Judge Payne on MARCH 8, 1965.	
Mar. 25	Filing Statement of Position of Hondo Oil and Gas Company with Respect to Motion of Defendant to add Hondo as a Party Defendant or for Leave to File Third-Party Complaint and Memoranda in Support Thereof.	
Mar. 25	Upon oral request of U. S. Attorney's office 15 original Subpoenas and 15 service copies, 15 original subpoenas duces tecum and 15 service copies issued signed and sealed but otherwise in blank and delivered to them.	
Mar. 26	Filing Plaintiff's Post Hearing Memorandum Relating to Continental's Motions Re Hondo Oil and Gas Company.	
Apr. 7	Filing civil subpoena directed to Willard H. Burnap with return of service.	
Apr. 7	Filing civil subpoena directed to Gordon H. Lovejoy with return of service.	
Apr. 7	Filing civil subpoena directed to Cietus O. Chamberlain with return of service.	
Apr. 7	Filing civil subpoena directed to Louis W. Kern with return of service.	
Apr. 7	Filing Subpoena with Marshal's return thereon showing Mr. G.C. Briggs served in San Francisco, Calif. on 3/30/65 (\$3.48)	
Apr. 7	Filing Subpoena with Marshal's return thereon showing Mr. Kenneth W. Brill served in Denver, Colo. on 3/30/65. (\$3.00)	

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4763 CIVIL Continued

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Data Order Judgment No
1965 Apr. 7	Filing Subpoena with Marshal's return thereon showing Mr. M.T. Swanson served in Denver, Colo. on 3/30/65 (\$3.00)	
Apr. 7	Filing Subpoena with Marshal's return thereon showing Mr. J.W. Liddle served in Denver, Colo. on 3/30/65. (\$3.00)	
Apr. 7	Filing Subpoena with Marshal's return thereon showing Mr. Neil Olsen served in Denver, Colo. on 3/31/65. (\$4.44)	
Apr. 7	Filing Subpoena with Marshal's return thereon showing Mr. M.H. Robineau served in Denver, Colo. On 3/31/65 (\$3.00)	
Apr. 13	Filing Subpoena with Marshal's return showing H. P. Nichols served 4/6/65 in Albuquerque. (fees \$2.00)	
Apr. 13	Filing Subpoena with Marshal's return showing Robert Lake served 4/6/65 in Albuquerque. (fees \$4.40)	
Apr. 13	Filing Subpoena with Marshal's return showing Wilson Frost served 4/6/65 in Albuquerque. (fees \$2.00)	
Apr. 13	Filing Subpoena with Marshal's return showing Nugget Grossetete served 4/6/65 at Albuquerque. (fees \$2.00)	
Apr. 13	Filing Subpoena with Marshal's return showing Calvin Horn served 4/6/65 at Albuquerque. (fees \$2.00)	
Apr. 13	Filing Subpoena with Marshal's return showing Ralph L. Edgel served 4/6/65 at Albuquerque. (fees \$7.40)	
Apr. 13	Filing Subpoena duces tecum with Marshal's return showing Joseph W. Palmer for New Mexico Petroleum Industries served 4/5/65 at Albuquerque. (fees \$2.00)	
Apr. 13	Filing Subpoena with Marshal's return showing Joseph W. Palmer served 4/5/65 at Albuquerque. (fees \$3.44)	
Apr. 20	Filing Subpoena with Marshal's return showing O. L. Garretson served 4/15/65 at Farmington, N. M. (fees \$47.12)	
Apr. 20	Filing Subpoena with Marshal's return showing James T. Jennings, attorney for Joseph W. Lackey, served 4/14/65 at Roswell, N. M. (fees \$2.00)	
Apr. 20	Filing Subpoena with Marshal's return showing Walter Famariss served 4/14/65 at Hobbs, N. M. (fees \$78.80)	
Apr. 20	Filing Subpoena with Marshal's return showing Clarence A. Copple served 4/14/65 at Roswell, N. M. (fees \$2.00)	
Apr. 20	Filing Subpoena with Marshal's return showing Ray Bell served 4/14/65 at Roswell, N. M. (fees \$2.00)	
Apr. 20	Filing Subpoena with Marshal's return showing James T. Jennings,	

Continued

4763 CIVIL

DATE	PROCEEDINGS	Date of Judgment
1965		
Apr. 20 Cont'd	attorney for Robert O. Anderson, served 4/14/65 at Roswell, N. M. (fees \$2.00)	
Apr. 20	Filing Subpoena with Marshal's return showing W.R. Long served 4/13/65 at Ruidoso, N. M. (fees \$2.00)	
Apr. 20	Filing Subpoena duces tecum with Marshal's return showing John Wallace served at Alamogordo, N. M. (fees \$2.00)	
Apr. 20	Filing Subpoena duces tecum with Marshal's return showing O. C. Shields served 4/13/65 at Ruidoso, N. M. (fees \$2.00)	
Apr. 20	Filing Subpoena duces tecum with Marshal's return showing Arthur Tarro served 4/17/65 at Gallup, N. M. (fees \$35.60)	
Apr. 29	Filing subpoena with Marshal's return showing Richard G. Boren served 4/24/65 at Albuquerque. (fees \$3.68)	
Apr. 30	Judge Payne by letter of this date notified counsel of his decision that the various motions filed by Continental Oil Company should be DENIED.	
May 24	Filing and Entering Order that the Judgment entered September 27, 1963 is a FINAL JUDGMENT as to HONDO OIL and GAS Company; that said Company is no longer a party to this litigation; and that its name is stricken from the caption of this case. (Payne)	
May 24	Filing and Entering Order Denying Motions of defendant Continental Oil Company namely 1. To add Hondo Oil and Gas Company as a party defendant; 2. in the alternative, for Leave to file a Third-Party Complaint against Hondo Oil and Gas Company; and 3. in the alternative, to Dismiss for failure to join a necessary, if not indispensable, party; the Court reserving ruling as to whether or not Hondo Oil and Gas Company can be added as a party at a later date, if it is found to be necessary (Payne)	
May 24	Notice of Entry of the above 2 Orders given pursuant to Rule 77 (d)	
May 26	Filing subpoena directed to Mr. Charles O. Dunstan with marshal's return on May 24, 1965. (fee \$5.28)	
June 14	Upon oral request of U. S. Attorney's Office, one original and one service copy of Subpoena to Produce Document or Object, signed and sealed but otherwise in blank, issued and handed to them.	
June 17	Filing subpoena duces tecum directed to Clarence A. Copple with return June 16, 1965. (fee \$50.24)	
June 23	Filing Subpoena directed to Leo Heasley, Auditor, Santa Fe, with Marshal's return showing same executed on 6/19/65 at Tucumcari, N. M. (fees \$103.28)	
June 24	One original and one service copy Subpoena to Produce Document or Object, signed and sealed but otherwise in blank issued and delivered to U. S. Attorney.	

4763 CIVIL Continued

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted																											
1965 June 28	Upon oral request eight original and eight copies Subpoena, signed and sealed, but otherwise in blank, issued and delivered to the U.S. Attorney's office.																												
June 30	Upon oral request two original and two service copies of Subpoena to Produce Document or Object, signed and sealed but otherwise in blank, issued and delivered to the U. S. Attorney's Office.																												
June 30	Upon his oral request, subpoena, 2 original and 2 service copies, signed and sealed but in blank, issued and delivered to U. S. Attorney.																												
Jul 1	Upon oral request of U. S. Attorney, original and service copy of subpoena duces tecum, signed and sealed but otherwise in blank, issued and handed to them.																												
Jul 1	Upon oral request of U. S. Attorney one original and one service copy of subpoena duces tecum, signed and sealed but otherwise in blank, issued to them.																												
Jul 2	Filing civil subpoenas directed to the following with marshal's return:																												
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July 7	Filing Subpoena with Marshal's return showing Continental Oil Co. served 6/28/65 at Denver, Colorado. (fees \$3.00)																												
July 9	Filing Subpoena addressed to James N. Chittam with Marshal's return showing said witness served at Oklahoma City, Oklahoma on 7/7/65 (Fees \$10.20)																												
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July 13	Judge Payne holds PRE-TRIAL CONFERENCE beginning at 9:00 a. m. and concluded at 2:20 p.m.																												
July 13	At Albuquerque, Judge Payne presiding in open court, Juanita Godding, reporter. The case comes on for non-jury trial at 2:20 p.m. The parties appear by Mr. O'Reilly, Department of Justice, Washington, D. C. and Mr. Somerville, Department of Justice, Antitrust Division, Los Angeles, California, for the plaintiff; Mr. Thanouser, Mr. Seymour, Mr. Dewey, Mr. Reasner and Searles for Continental Oil Company. The trial then proceeds with evidence by the Government. At 5:00 p.m., the trial being unfinished, a recess is taken until 8:30 a.m. tomorrow.																												
July 14	At 8:30 a. m., the trial resumes with a statement by Mr.																												

Continued

4763 CIVIL

DATE	PROCEEDINGS	Date Order or Judgment Noted
1965		
July 14 Cont'd	Somerville, as appears in the reporter's record. The Government moves to add as parties defendant C. A. Copple and Malco Products, inc. of New Mexico. After argument, the motion is DENIED. Evidence is then offered by the Government. Recess at 5:00 p.m.	
**		
July 13	Filing Subpoena with Marshal's return showing Chester A. Brooks served 7/1/65 at Aurora, Colorado. (fees \$5.16)	
July 13	Filing Subpoena with Marshal's return showing Roy F. Lucas served 7/1/65 at Albuquerque. (fees \$4.60)	
July 13	Filing Subpoena with Marshal's return showing Max Pons served 7/1/65 at Albuquerque. (fees \$2.00)	
July 13	Filing Subpoena duces tecum with Marshal's return showing Famariss Oil and Refining Co. served 7/3/65 at Hobbs, N. M. (fees \$79.04)	
July 15	At 8:30 a.m., the parties reappear as before and the trial continues with further evidence by the government. At 4:48 p.m., the trial being unfinished, a recess is taken until 9:30 a.m. tomorrow.	
July 16	At 9:40 a.m., the trial resumes with further evidence by the Government, the parties appearing as before. At 3:00 p.m., a recess is taken until 8:30 a.m., July 19, 1965.	

July 13	Filing and entering Pretrial Order (Payne). (Filed in open court in the presence of all counsel.)	
July 19	At 8:30 a.m., the parties reappear as before and the trial continues with further evidence by the government. At 4:45 p.m. the case being unfinished, a recess is taken until 8:30 a.m. tomorrow.	
July 20	At 8:30 a.m., the parties reappear as before and the trial continues with further evidence by the government. At 9:30 a.m. a recess is taken for naturalization proceedings and resumed at 10:30 a.m., and at 5:00 p.m. a recess is taken until 8:30 a.m. tomorrow.	
July 21	Upon oral request original and one copy Subpoena, signed and sealed but otherwise in blank issued and delivered to the U.S. Attorney.	
July 20	Filing Subpoena addressed to Continental Oil Company attn: Lloyd F. Tanhouser with Marshal's return showing said witness served at Houston, Texas on 7/6/65 (\$2.24)	
July 21	At 8:30 a.m. the parties reappear as before, and the trial continues with further evidence by the government. At 4:00 p.m., a recess is taken until 8:30 a.m. tomorrow.	
July 22	At 8:30 a.m. the parties reappear as before and the trial continues with further evidence by the government. At 9:50 a.m. the government rests. Evidence is then offered by the defendant. At 1:15 p.m. James Legnard, attorney, Department of Justice, is admitted for this case upon motion. Further evidence is offered by the defendant, and at 5:00 p.m. a recess is taken until 8:30 a.m. tomorrow.	

4763 CIVIL

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1965 July 23	At 8:30 a.m., the parties reappear as before, and the trial continues with further evidence by the defendant. At 9:50 a.m., the defendant rests. The government requests a recess until Monday, July 26th, before offering rebuttal; and the request being granted, a recess is taken until 8:30 a.m., July 26th.	
Jul 26	Four originals and four service copies of civil subpoenas, signed and sealed but otherwise in blank, issued to United States Attorney's office.	
July 26	At 8:30 a.m., the parties reappear as before, and the trial continues with rebuttal evidence by the government. At 11:17 a.m. the government rests. Defendant offers no rebuttal to government's rebuttal. The Court announces that each side will be allowed two hours to argue the case. The Court takes its decision under ADVISEMENT.	
July 28	Filing Subpoena with Marshal's return thereon showing Mr. Lewis W. Kern served 7/21/65 at Albuquerque, N.M. (\$2.00)	
July 28	Filing Subpoena with Marshal's return thereon showing Mary Hudson served 7/26/65 at Albuquerque, N.M. (\$2.00)	
July 28	Filing Subpoena with Marshal's return thereon showing Henry Kaiser served 7/26/65 at Albuquerque, N.M. (\$2.00)	
July 28	Filing Subpoena with Marshal's return thereon showing Ruel Call served 7/26/65 at Albuquerque, N.M. (\$2.00)	
Sept 7	Filing Decision and Opinion (Payne)	
Sept 17	Filing Clerk's copy of Reporter's transcript of trial in ten volumes.	
Sept. 20	Filing and entering Judgment that all relief prayed for by the Plaintiff be denied and that this action be dismissed on the merits. (Payne)	
Sept. 20	Notice of entry of above Judgment given pursuant to Rule 77(d).	
Nov 19	Filing Notice of Appeal to the Supreme Court of the United States.	
Nov 23	Copy of Notice of Appeal mailed to counsel for appellee.	
1966 Jan. 17	Filing plaintiff's Motion for an extension of time for docketing case on appeal to the Supreme Court of the United States	
Jan. 17	Filing and entering Order Extending Time for docketing record on appeal until March 4, 1966. (Beaton for Payne)	

OVER

NO. 4763 CIVIL (continued)

D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1966		
Jan. 17	Notice of entry of the above Order given pursuant to Rule 77(d) by sending copy of Order to all counsel of record.	
Feb. 28	Filing plaintiff's Motion for a further extension of time for docketing case on appeal to the Supreme Court of the United States.	
Feb. 28	Filing and entering Order extending time for appellant to docket this case on appeal in the Supreme Court of the United States until April 18, 1966. (Payne)	
Feb. 28	Notice of entry of Order given by mailing copy to all counsel of record.	
Apr 8	Filing Motion for further extension of time for docketing case on appeal to the Supreme Court of the United States.	
Apr 8	Filing and entering order extending time to docket appeal until June 17, 1966 (Payne).	
Apr 8	Copies of above order mailed to counsel and to Clerk, ^{Supreme} Court of the United States.	
July 11	Appeal record mailed to Clerk, Supreme Court of the United States, Washington, D. C. 20544.	
1967		
Jun 15	Filing Motion of Continental Oil Company for Judgment on the Record.	em
1967		
June 27	Filing certified copy of judgment of the Supreme Court of the United States vacating the judgment of this court and remanding the same for further consideration in light of United States v. Pabst Brewing Co.	cs
June 30	Set for conference before Judge Payne at Albuquerque on Tuesday, July 11, 1967, at 9:00 a.m. - Counsel notified.	fll
July 11	Judge Payne holds conference in Court. Joseph E. Trujillo, acting reporter. Lawrence W. Somerville appears for Plff., David T. Searls and Allen C. Dewey, Jr. appear for Deft. Conference held pursuant to case being remanded to this Court by Supreme Court of U.S. After hearing statements of both sides, the Court directs each side to file Briefs by Sept 1, 1967 and Reply Briefs within ten days. Argument tentatively set for friday, Sept. 29, 1967.	lk
Jul 24	Filing Transcript of Pre-Trial Conference had July 11, 1967, Howard Henry & Company.	em
Aug. 31	Filing Certificate of Service of dft. Continental Oil Co.	cat
Sept. 1	Filing Memorandum in support of judgment proposed by the United States.	em

OVER

4763 Civil

DATE 1967	PROCEEDINGS	Date Order or Judgment Noted
Aug. 31	Filing Brief in Support of the Motion of Continental Oil Company for Judgment on the Record - Proposed Findings of Fact, Conclusions of Law and Form of Judgment.	ecm
Sept. 18	Filing Reply Brief in Support of the Motion of Continental Oil Company for Judgment on the Record.	
Sept. 18	Filing Certificate of Service of 5 copies of Reply Brief in Support of the Motion of Continental Oil Company for Judgment on the Record mailed to Mr. Somerville.	
Sept. 18	Filing Reply Brief of Plaintiff.	ecm
Oct 11	At Albuquerque, Judge Payne in open court, H. Henry, reporter. Called for Hearing on Proposed Rulings in this case per Mandate of U.S. Supreme Court. APPEARANCES: Mr. Somerville for Gov't together with John Bruno and Raymond Philipps of the Anti-trust Division admitted specially for this hearing. Mr. David T. Searls for defendant together with Mr. Thanhouser, Mr. Jennings, Mr. Dewey and Mr. A.T. Biggers admitted specially for this hearing. After Argument by Mr. Somerville and Mr. Searls the Court announced it will reverse its previous judgment and find in favor of plaintiff, United States. Mr. Searls objects to plaintiff's proposed form of judgment submitted to the court. The Court directs Mr. Somerville to prepare Judgment according to his ruling and for Mr. Searls to approve it as to form.	lk
Oct. 19	Filing Transcript of Argument on Rehearing had October 11, 1967.	ecm
Nov. 1	Filing requested findings of fact and conclusions of law.	mf
Nov. 6	Judge Payne by letter advised this case is set for 9:00 a. m. Wednesday, November 15, 1967, for hearing.	em
Nov 15	At Albuquerque, Judge Payne in open court, John Spera, reporter. Called for hearing on Finding of Fact and on Form of Judgment. Counsel state they cannot agree on form of judgment. Court hears arguments on Finding and then takes same under advisement. Counsel argue form of judgment after which the court lists items to be incorporated in judgment as will appear in reporters record. Counsel to submit form of Judgment approved to the court.	lk
Nov. 17	Filing Partial Transcript of November 15, 1967.	
Nov. 17	Filing Defendant's Objections to Findings of Fact and Conclusions of Law Proposed by Plaintiff.	
Nov. 17	Filing and entering Decision and Opinion on Remand constituting decision of the court. (Payne)	
	Copies mailed by Judge Payne's secretary.	cat
Nov. 28	Filing transcript of Hearing on Findings of Fact and Conclusions of Law and Judgment held November 15, 1967.	ecm
1968 Feb. 1	Filing Memorandum in Support of Provisions of Proposed Judgment Submitted by Plaintiff.	mf

(NEXT PAGE)

4763 Continued

D. C. 110A Rev. Civil Docket Continuation

DATE
1968

PROCEEDINGS

Date Order or
Judgment Noted

Feb 21

At Albuquerque, Judge Payne in open court, John Spera, reporter. Called for (9 AM) Hearing on Form of Final Judgment. APPEARANCES: Mr. Somerville & Mr. John P. Bruno for Pltf; Mr. Searles, Mr. Biggers & Mr. Dewey for Deft. After argument the Court directs counsel to prepare new form of judgement in accordance with his ruling.

lk

Feb. 21

Filing and entering Final Judgment that acquisition of Malco Refineries, Inc. by defendant is violation of Section 7 of the Clayton Act; ordering defendant to divest itself of said acquisition; that defendant for a period of 10 years, without first obtaining approval of this Court shall not acquire any businesses or facilities in New Mexico, as specified herein; provide for access to defendant's principal offices by representatives of plaintiff; retaining jurisdiction in this Court to enter any further orders or directions; and that defendant shall pay cost (Payne)

Notice of entry given by copies to counsel.

Mar. 5

FINAL DOCKET JS6
Filing Transcript of Hearing On Form of Final Judgment - taken on February 21, 1968 before John J. Spera, a Court Reporter.

ecm

Mar. 6

Filing Stipulation Re: Bill of Costs by and between attorneys for the parties "IT IS SO ORDERED Dated: Mar. 6, 1968 H. EARLE PAYNE UNITED STATES DISTRICT JUDGE."

Notice of entry given by copies to counsel

ecm

Apr. 3

Filing Notice of Appeal.

Copies mailed to U. S. Attorney and Lawrence W. Somerville.

Apr. 3

Filing Request for Certification of and Transmission to the Supreme Court of the United States of the Record in this Cause.

cat

Apr. 17

Appeal record mailed to Clerk, Supreme Court.

e

May 8

Filing transcript of pretrial conference of January 15, 1965.

em

Jul 12

Filing and entering Order that Clerk transmit to Clerk of Supreme Court a supplementary appeal record. (Payne)

Jul 15

Copies mailed to counsel as notice of entry.

Jul 12

Certified copy of above Order with Supplemental Appeal Record transmitted to the Clerk, United States Supreme Court.

em

Oct. 23

Filing Opinion of the United States Supreme Court.

em

Continued

4763 Continued

DATE 1968	PROCEEDINGS	Date Order or Judgment Noted
Nov. 19	<p>Filing Mandate from the Supreme Court of the United States AFFIRMING the judgment of this court.</p> <p>Copies mailed to Mr. Somerville, Antitrust Div. of Dept. of Justice, U. S. Attorney and to Modrall firm.</p>	cs
Nov. 22	Filing plaintiff's Cost Bill in the sum of \$6,582.89.	cat
Dec. 5 1969	Taxing costs in the sum of \$6,582.82.	cs
Jan. 24	Filing First Bi-Monthly Report of Continental Oil Company.	mf
Mar. 18	Filing Preliminary Confidentiality Agreement between Continental Oil Company and the United States.	cs
Mar. 19	Filing Second Bi-Monthly Report of Continental Oil Company.	cs
April 14	Filing Supplement to Second Bi-Monthly Report of Continental Oil Company.	jse
Apr. 17	Set for further hearing on Wednesday and Thursday, May 21 and 22, 1969, before Judge Payne at Albuquerque, at 9:00 a.m. Counsel notified by letter.	jse
Apr. 28	<p>Filing Motion for Protective Order covering the exhibits attached to Continental's Application for approval of the sale of its Artesia Refinery and related assets.</p> <p>Filing Application for approval of sale of assets, as provided in the Court's final judgment of February 21, 1968, to Navajo Refining Company.</p>	cs
Apr. 28	<p>Filing and entering Order that exhibits attached to Continental's Application for Approval of Sale of Assets be treated as confidential. (Payne)</p> <p>Copy mailed to counsel as notice of entry.</p>	jse
May 21	<p>Albuquerque/Payne, J./Charlotte Macias, acting rep. Case called for further hearing at 9:00 a. m., for order approving sale. Mr. Searls for defendant Continental offers approved order. Mr. Somerville offers Stipulation between the Government and the Navajo Refining Co. per court's order of February 21, 1968, and oral motion that exhibits attached to Application for Approval of Sale of Assets be treated as confidential. Argument had. Mr. Jennings for Malco Refining on behalf of independent oil companies, moves for delay of 60 to 90 days before approval of sale. The court, desiring oral evidence, defendant's evidence as to competitive market present. The court rules it will approve the sale of the assets; will approve the Stipulation and it will approve the Order treating exhibits as confidential material.</p> <p>Filing and entering Order Approving Application of the Defendant, Continental Oil Company, for Sale of Assets, as provided in the Court's Final Judgment of February 21, 1968, to Navajo Refining Co. (Payne)</p>	Continued

4763 CIVIL

D. C. 110A Rev. Civil Docket Continuation

Ⓢ

DATE	PROCEEDINGS	Date Order or Judgment Noted
May 21 Cont'd	<p>Filing Stipulation between the Government and Navajo.</p> <p>Filing and entering Order, upon motion of Continental, impounding exhibits attached to Application for Approval of Sale of Assets. (Payne)</p> <p>(Exhibits are lodged in sensitive exhibit cabinet).</p> <p>Copies of both orders mailed to counsel as notice of entry.</p> <p>Filing Navajo Exhibit 1. LGK:cs</p>	
June 11 1972 7-21-72	<p>Filing Transcript of Hearing held on May 21, 1969, original and one copy.</p> <p>Set for hearing to amend judgment, before Judge Payne-Counsel notified by letter. (for July 28, 1972 at 8:30 a.m.)</p>	jse mf
7-24-72	Filing Application for Approval of Refinancing of Navajo Refining Company.	mf
7/28/72	<p>Albuquerque: Payne, Judge/ Linda Malone, acting reporter. Called for hearing on motion to amend judgment. Court hears counsel and the testimony of a witness. The parties agree to the amended judgment proposed. The application is granted.</p> <p>Filing Defendant's Exhib 1 and 2.</p> <p>Filing and entering Order approving the refinancing of Navajo Refining Company. (PAYNE)</p> <p>Filing and entering Modification of Final Judgment of February 21, 1968. (PAYNE) (Above order and Judgment signed in open Court in the presence of counsel, constituting notice of entry.)</p>	EEG/mw
8-2-72	<p>Filing Second Stipulation between Holly Corporation, Navajo Refining Company, Navajo Corp. Continental Oil Company and Salton Riviera, Inc. (Sales Agreement attached) Approved H. Vearle Payne, U. S. District Judge.</p>	mw
9-29-72	<p>Copy of approved Second Stipulation mailed to counsel as notice of entry.</p> <p>Filing transcript of Hearing to Amend Judgment had 7-28-72.</p>	em mf